IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 7284 of 2007(P)

PETITIONER:

NARAYANAN NAMBOOTHIRI,
PROPRIETOR, AVIS AUTO SPARES,
DEVASOM NADA, CHERAI

BY ADV. SRI.BIJU ABRAHAM

RESPONDENTS:

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1. PALLIPURAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PALLIPURAM,
CHERAI-683 514.

2. P.K. BABU,
PONOTH HOUSE, DEVASWOM NADA,
CHERAI-683 514.

BY ADV. SRI.T.A.SHAJI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.7284 of 2007 P

Dated this the 3rd day of April, 2007.

JUDGMENT

The landlord of the building occupied by the petitioner has not entered appearance before this court, though he was served with notice. Mr.Shaji, counsel for the Panchayat, submits that the petitioner did not produce consent from the landlord, which is obligatory when a tenant is applying for licence for the first time.

2. But Mr.Biju Abraham, counsel for the petitioner, submits that it was not the 2nd respondent who inducted him into the building 22 years ago, but it was the previous owner, with whom there was a valid lease agreement. Learned counsel for the Panchayat pointed out that the 2nd respondent has already instituted an eviction petition before the Rent Control

Court. It is seen from the averments in the writ petition that the first Rent Control Petition [RCP 19/01] filed by the second respondent was unsuccessful and that he has filed another Rent Control Petition[RCP 25/03].

3. As the relationship between the parties is strained, it will not be proper on the part of the Panchayat to insist that the petitioner shall produce consent from the second respondent as a condition for considering the petition for licence.

Under these circumstances, I dispose of this writ petition directing the Panchayat to consider the application for licence submitted by the petitioner without insisting on production of any consent from the second respondent. In

other words, Ext.P9 appeal will be decided by the Panchayat in the light of the observations contained in this judgment and orders will be passed thereon at the earliest, at any rate, within two weeks from the date of receipt of a copy of this judgment. It is needless to mention that the continuance of Ext.P10 complaint will be dependent upon the decision to be taken by the Panchayat on Ext.P9.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

//true copy//

P.S. To Judge

PIUS C. KURIAKOSE, J.

W.P.(C) No.7284 of 2007 P

JUDGMENT

3rd April, 2007.